

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUAN ZAMORA AND FRANCISCO)
ZAMORA , on behalf of themselves, and) No. 12 cv 2020
all other plaintiffs similarly situated,)
known and unknown,) Honorable Judge Joan B. Gottschall
)
Plaintiffs) Magistrate Judge Maria Valdez
)
v.)
) <u>JURY DEMAND</u>
THE BRICKMAN GROUP, LTD.,)
)
Defendant)

**PLAINTIFFS' AGREED MOTION TO AMEND THE PRELIMINARY
APPROVAL ORDER**

NOW COME Plaintiffs, by their attorneys of record, and in support of their Agreed Motion to Amend the Preliminary Approval Order, state as follows:

1. On March 20, 2012, on behalf of themselves and all others similarly situated, Plaintiffs filed their claim for back overtime wages and other relief against Defendant, pursuant to the Fair Labor Standards Act.
2. On December 16, 2013, this Court entered the parties' Preliminary Approval Order approving the Class Action Settlement agreement between the parties.
3. Since that time, the parties have conferred and agreed to several amendments to the Preliminary Approval Order that will more efficiently facilitate the settlement process. Those amendments are reflected in the proposed Amended Preliminary Approval Order attached hereto as Exhibit A.
4. Firstly, the parties have agreed that the Administrator of the Class should on a weekly basis provide the attorneys for each party with a copy of the claim forms that the Administrator

receives, including those forms that are returned to the Administrator due to incorrect addresses. Access to the information contained on claim forms that are returned will allow Plaintiffs' counsel and Plaintiffs' counsel's support organization the Farmworkers and Landscapers Advocacy Project ("FLAP") to more competently ascertain the location of those individuals who no longer reside at the address previously associated with him or her.

4. Furthermore, the Preliminary Order presently provides that the final date for receipt of claim forms, objections, or exclusion notices is March 3, 2014. The parties have agreed that this date should be extended to April 1, 2014, reflecting the fact that some members of the Class are seasonal workers who may leave the country for the winter season, only returning in the spring to resume working; and this slightly later date will therefore allow for a more effective settlement process for the parties. Reflecting this change of date, the parties have further agreed that the date for their Motion for Final Approval should be April 16, 2014.

5. In light of the filing of this Agreed Motion to Amend the Preliminary Approval Order, Plaintiffs respectfully request that this Court enter their Amended Preliminary Approval Order requiring the Class Administrator to weekly update the parties as to received and returned claim forms, extending the final date of receipt of claim forms to April 1, 2014, setting the date for the Motion for Final Approval as April 16, 2014, and resetting the date for the Final Fairness Hearing to a date convenient for this Court that corresponds to the amended dates herein.

WHEREFORE, Plaintiffs request this Court to enter an Order granting their Agreed Motion to Amend the Preliminary Approval Order, striking the current Preliminary Approval Order, and entering the Amended Preliminary Order in the form attached hereto as Exhibit A with a new date for the Final Fairness Hearing; and for such other relief this Court deems appropriate under the circumstances.

Respectfully submitted,

Electronically Filed 2/10/2014

s/ John W. Billhorn

John W. Billhorn

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